

**CITY OF BRENTWOOD, MISSOURI
REGULAR BOARD OF ALDERMEN MEETING
MINUTES**

**City Hall
Council Chambers**

**December 6, 2010
7:00 pm**

Mayor Pro Tem Clements called the meeting to order and led with the Pledge of Allegiance. Roll call was taken with the following members present: Alderwoman Clements, Alderman Leahy, Alderwoman Krewson, Alderman Kramer, Alderman Robertson, Alderman Wynn and Alderman Harper.

The following member(s) were absent: Mayor Kelly and Alderman Marshall.

Staff present: City Attorney Albrecht, City Clerk/Administrator Seemayer, Director of Planning and Development Rottjakob, Executive Secretary Williams and Treasurer Reynders.

Staff absent: None.

Mayor Pro Tem Clements announced that Mayor Kelly's mom passed away this past weekend. She asked for a moment of prayer for the family.

CONSIDERATION AND APPROVAL OF THE DECEMBER 6, 2010 BOA AGENDA

Motion was made by Alderman Leahy, second by Alderman Harper to approve the BOA meeting agenda of December 6, 2010. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE NOVEMBER 15, 2010 BOA MINUTES

Motion was made by Alderman Leahy, second by Alderman Harper to approve the November 15, 2010 BOA meeting minutes. All in favor none opposed.

ACCEPT CERTIFIED ELECTION RESULTS

City Administrator Seemayer read the results from the November 2, 2010 General Election. Propositions 3 and 4 were on the ballot and the results are as follows:

Proposition 3 - Changing the term of office for the Mayor from two (2) years to four (4) years:

Yes	2,004
No	1,086

Proposition 4 - Changing the term of offices for the Board of Aldermen from two (2) years to four (4) years:

Yes	1,691
No	1,393

Motion was made by Alderman Wynn, second by Alderwoman Krewson to accept the certified election results from the November 2, 2010 election. All in favor none opposed.

BIDS – None

HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT

Ed Hofherr, the Commander of the American Legion/Goff Moll Post 101 came before the Board and asked the Board to make an exception to their post as it relates to the smoking ban. He said that they are a not for profit organization and a private club.

Mayor Pro Tem Clements pointed out that Mr. Hofherr stated that they are a private club but she can go to the Goff Moll Post and have a beer at the bar and she is not a member.

Mr. Hofherr responded that right now Mrs. Clements could do that, but they are a private club. Essentially, people that are not members are allowed to enter the Post. They could question people and not serve them but they have elected to allow them to come in and be served. After the first of the year, non-members will not be allowed to enter unless they are with a friend/guest of a member.

Alderman Leahy stated that the entire hinge of the Bill revolves around the addition of the definition of the “private club” as stated in the Bill. Your social connotation of “private club” would mean country club or something of that nature. Under the State’s definition for this particular Bill, the private club is defined as a not-for-profit organization, chartered by law for fraternal or social purposes. The Goff Moll Post 101 meets the state statutes definition as they wish to apply it to this Bill only. Therefore, they can use the term “private club” versus a commercial establishment.

Mr. Hofherr responded that the biggest problem they have right now, because they are a veteran organization with a no smoking ordinance in effect, is they would lose members and consequently their purpose and would eventually have to shut the doors. The members would join the VFW in Richmond Heights or the American Legion in Maplewood.

Mayor Pro Tem Clements asked Mr. Hofherr how they plan to restrict the public from entering the Goff Moll Post after January 1. Would someone have to show a card to enter the building?

Mr. Hofherr responded that members would have to show their card to enter the building. That would apply also to the auxiliary. If you come in with a friend from the auxiliary or the Legion, you would be welcomed.

Public Hearing – 2011 Budget

Mayor Pro Tem Clements announced the public hearing for the 2011 Budget would now be heard.

City Administrator Seemayer stated that the 2011 Budget was completed a couple of weeks ago and it was posted on the City's website at that time. The City operates out of four (4) funds. The general fund is the largest. That is where most of the personnel and regular operating expenses come from, and the normal cost of doing business like utilities and contractual services, etc. The second fund is the capital improvement fund, which includes capital projects, equipment, roads, buildings, replacement of vehicles, etc. The majority of the money for the fund comes from ½ percent capital improvement sales tax. The third fund is the parks and storm water fund. It funds most of the operations of the parks department including the employees' salaries and capital needs. It also funds storm water projects that the City participates in or takes on such as the one that is occurring right now on Bridgeport. It is mainly funded through a ½-cent parks and capital improvement sales tax. The fourth fund is the sewer lateral improvement fund. It is an annual assessment that the voters of Brentwood approved to ensure their sewer laterals are taken care of when they are blocked or broken. It is funded entirely through the annual assessment, which will be set at \$40.00 this year. It had been \$28.00. The voters approved in August of this year a \$50.00 assessment but the City is setting it at \$40.00. In the general fund, the overall budget for expenses proposed for 2011 is \$10,773,823. It is a decrease of over \$313,000 from the previous year. Some of the decreases were attributed to some loan payments for 2010 that have expired. The City eliminated several positions; some of the supply expenses, liability and worker's comp insurance were also reduced. The 2011 general fund revenues are expected to be at \$10,822,583. It is slightly down from 2010. Most of that is due to court fines, which have been steadily reduced in the City, which is good news if you are a passerby. The TIF reimbursement is a little deceptive or misleading because in 2010 when the Promenade TIF bonds were retired, a sum of money that was sitting in that account after the bonds were retired went to the City. It goes away but it is transferred over to sales taxes, so the City does not lose the full amount but the account number loses the reimbursement since the Promenade TIF bond retired during the year. As far as revenue sources for the general fund, sales tax comprises of 42% of that. Most of the figures for revenues and expenses have not changed that much. The general fund also includes employee raises of up to 3%. The City operates on a merit system with performance evaluations. Based on the evaluations, it will be determined if an employee is eligible to receive 3% or less. The second fund is the capital improvement fund. That amount varies on projects year by year, so to do a comparison is not necessarily the best way to look at it because they have different projects that go on from year to year. The total expenses do not change that much for the City. The expenses projected for 2011 are \$1,627,000. It is spread out over a variety of different areas. The fire department will be purchasing a new ambulance in 2011 and that is a rather large expense, which is about \$225,000.

Alderman Leahy stated that purchasing the ambulance is a large expense. He asked if there is a revenue stream that comes from selling the old ambulance and is that figured in the budget also.

City Administrator Seemayer responded yes. There is a revenue column entitled sale of surplus property. They have it listed at \$20,000. They have been doing some investigating and they believe that they will get a little more than \$20,000 for the old ambulance. The ambulance is one of the largest items. They are planning to resurface McKnight Road. It was supposed to be done in 2010 as a joint project with St. Louis County, Richmond Heights and Ladue. It was delayed, but now they are ready to go, weather permitting. There are also various streets that will need to be repaired. The general obligation debt comes out of that capital improvement fund as well as the debt for the construction of the police building and the newly completed fire station. The expenses are \$1,627,000. The revenues are expected to be \$1,815,000, so there will be a surplus of \$187,000 in that fund. The projected expenses for the parks and storm water fund are \$1,852,000. It is down just under 1%. Some of the reasons for that are personnel changes in the department. There were also some reduced expenses in liability and building insurance. Their revenues come mainly from sales tax. Their total revenue expected for the year is \$1,877,000, so they are anticipating a surplus of just over \$24,000. The final fund is the sewer lateral fund. There was an increase in the assessment that was approved by the voters in August. The expenses for the sewer lateral are expected to be \$151,000 next year. It included \$15,000 in capital equipment for new video equipment. The revenue for that fund is expected to be \$152,000. The total revenue expected for all four funds is \$14,666,856. The total expense for all four funds is expected to be \$14,405,535, with a total net surplus of the four funds of \$261,232.

Alderman Leahy stated that based on the 2010 budget they overspent in the sewer lateral fund by \$37,000. Where did the money come from?

City Administrator Seemayer stated that it came out of the reserves.

Alderman Kramer stated that it would be important to highlight that the City is fortunate to have some nice retail revenues, but the City still has suffered because of the economy. The City has some serious reductions in its payroll that have been necessary, about \$350,000 worth. It is not fun and they did not enjoy doing it but it was something that had to be done.

City Administrator Seemayer stated that they met this fall and made some very tough decisions. The City is still looking at potential areas in personnel that could save them some money, but more so, when positions become vacant they will go to the committee and be analyzed with the department head as to whether the position must be filled again. Personnel is the City's largest expense. It is about 66% of it. It is also to be expected because the City is a service organization. Those are needed savings for the City going forward, not just in 2011, but also beyond; to sustain ourselves, provide the services and make sure the employees can be paid.

Alderman Kramer stated that if they are fortunate with City Administrator Seemayer conservative revenue projects, and if they are able to have a surplus, they are working on building up their reserves. They did nicely last year and if they do well this year, they might have some funds to put in the reserves.

City Administrator Seemayer stated that it is not a stated policy or written in legislative form but it is a goal to try to achieve a 25% reserve from the general fund budget, which would be the equivalent between \$2.5 and \$3 million because the general fund fluctuates. The City has about \$1.2 million in reserves and they expect to put some funds in at the end of the month and in the first quarter of 2011.

Alderman Leahy asked about the Eager Road Redevelopment account listed under community services.

City Administrator Seemayer stated that that fund does not show anything for 2011. It was the Drury proposal to construct a hotel at the intersection of Eager and Highway 40. When Drury was selected as the preferred developer, they had to make a deposit with the City of \$50,000 for consulting expenses to analyze the project and review the work. Those funds have been exhausted. There is currently nothing for the City to review, so they do not anticipate more expenses. Drury is negotiating with the property owner, MoDOT. If during the course of the year they are successful and get through that stage, according to the preferred developer's agreement, they would have to deposit another sum of money with the City to cover expenses and they would amend the budget at that time to add that.

With no further questions, Mayor Pro Tem Clements announced the public hearing for the 2011 budget closed.

Public Hearing – CUP for 1201 Strassner Drive

Director of Planning and Development Rottjakob came before the Board and stated that the Planning and Zoning Commission is recommending approval of a Conditional Use Permit for 1201 Strassner Drive. A new restaurant would take the former Intaglia space. It is about a 4,000 square foot building. The restaurant use and parking have been approved as of the most recent CUP, which the Board approved last spring when MLP came before them to request approval for the two-story building with ground floor retail. However, because this restaurant use is adding about 600 square feet of outdoor seating, then the site coverage, landscaping and architectural review, and hours of operation is what the Planning and Zoning Commission had reviewed. They have completed the review and are recommending approval as submitted.

Alderman Wynn stated that he has eaten at Houlihan's and it is very difficult to find parking in the garage. There is need for more parking. How will the parking be handled with the additional restaurant?

Mrs. Rottjakob responded that the parking analysis that the traffic engineer conducted during the process of the CUP last spring indicated that there is more than enough parking. With that particular development, it is not surface parking. Houlihan's provides valet parking and she thinks the new restaurant will provide valet parking as well.

Alderman Wynn stated that they were in the garage, almost to the third floor before they found a place to park.

Mrs. Rottjakob responded that it could have been an exceptionally busy night.

Alderman Leahy asked how the trash service would be handled for the restaurant.

Mrs. Rottjakob stated that the hours of operation for trash collection are no earlier than 7:00 a.m. They will have a loading area on the north side of the building.

Alderman Leahy stated that currently he is not aware in looking at the layout that the trash containers have been addressed as to location and how they will be serviced. The major traffic area is between the new restaurant and the current restaurant. He is curious about how the trash will be dumped and picked up without interfering with the flow of traffic during the day.

Bill Friedrichs – Twin Site Solution, L.L.C. came before the Board and stated that his company will be opening a restaurant that they intend to call Taste of Hanley Station. If you can picture where the hotel is located, looking at the south side of the hotel, directly to its west is where the dumpster is located that both Houlihan's and their restaurants would be utilizing. It is in between the hotel and the parking garage. A gate will protect its view from the public. They will be designing a specialized wheeled cart in which employees will wheel trash from the restaurant at opportune times.

Alderman Leahy asked that since they are not looking to expand that area, and are limited to the two dumpsters that are in there currently, if Mr. Friedrichs and Houlihan's have worked out that the two restaurants won't overflow those dumpsters because he thinks that Houlihan's is using almost the two dumpsters now.

Mr. Friedrichs stated that they have not had that discussion yet. If Alderman Leahy has a concern, he will begin the discussion tomorrow with the owners of the property. The amount of trash that they intend to generate is going to be well below the norm of a standard restaurant. He used to operate a restaurant in Kirkwood and he knows how much trash can be generated. The fact that there is going to be a wood-fired oven, and the way they will go about their business, they will probably generate less than 50% of the standard amount of trash that most restaurants generate. They also plan to sell the majority of their beer as draft beer, so the amount of glass that will be required to be disposed of will be minimal. They also hope that there is some type of recycling program in the area.

Alderman Leahy stated that his problem is storage of the trash until it is picked up and the limitation of what that site development allows.

Mr. Friedrichs stated that in their conversations with MLP regarding trash, they did not indicate any concern and felt that the amount of trash that they will generate is not going to cause any undue problem of their current trash pickups.

Alderman Kramer stated that he understands that the previous applicant had some challenges with the amount of windows and the heating and cooling cost of that building. Are the windows going to be thermo sealed or is the configuration changing?

Mr. Friedrichs stated that the contractor is looking at the heating and cooling. They will have to re-engineer the entire heating and cooling aspects of the building.

Alderman Kramer asked if pizza would be the primary item served.

Mr. Friedrichs responded yes.

Mayor Pro Tem Clements asked if there were any additional questions or comments. Hearing none, Mayor Pro Tem Clements announced the public hearing closed.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy requested that the Board place Bill No. 5584 on hold until the trash issue can be resolved. The dilemma is that you have a mixed-use facility with residents in a hotel and he would hate to approve something that may become a problem for the people in the area.

Mayor Pro Tem Clements stated that the petition has gone through Planning and Zoning review where they addressed the trash issue. She does not want the Board to delay the CUP.

Director of Planning and Development Rottjakob stated that the Planning and Zoning Commission did a full review and they recommended approval without any conditions.

Alderman Leahy asked if the Planning and Zoning Commission discussed the trash issue in their reviews.

Director of Planning and Development Rottjakob stated that they talked about general loading. She does not recall the nature of the discussion on the trash. They went over all aspects of the site plan and she does not believe it was a controversial issue.

Alderman Kramer stated that he is familiar with the area adjacent to the hotel and it would appear that it would be an ideal location and one he did not find objectionable.

Alderman Leahy stated that the dilemma is the volume the dumpsters are holding today and now adding another restaurant on top of it. He does not think the number of dumpsters would sufficiently cover the amount of trash for two restaurants. He does not want it to be a problem for the residents in that area. He would like to have the trash issue worked out before they authorize the Conditional Use Permit.

Alderman Kramer stated that he believes it backs up to the Animal Protective Association, so there is no residential area that would be immediately impacted.

Alderman Leahy stated that MLP has residents in their facility.

Alderman Kramer stated that the Animal Protective Association is right behind the trash portion. His understanding is that area is deep enough to handle more trash enclosures. Whether they have ordered them or contracted for that service to an additional degree, he does not know, but he feels like the area could hold it.

Mr. Friedrichs stated that they had visited the actual site where the dumpster is located. It is an unusual dumpster. It has a compacting and hydraulic capability. All the trash is loaded in one area but he does not know how it operates. When they questioned MLP about the dumpster, they said that they did not anticipate any difficulties with additional trash from their operation because of the size and type of dumpster that is in that area.

1st and 2nd Readings of Bills

Motion was made by Alderman Wynn, second by Alderman Leahy to give Bills No. 5579, 5580, 5581, 5582, 5583 and 5584 first and second readings. All in favor none opposed.

Bill No. 5579 – 2011 Budget

City Attorney Albrecht gave Bill No. 5579, AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BRENTWOOD FOR THE CALENDAR YEAR 2011; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5579 as a Bill that adopts the annual budget for the City's fiscal year, which runs from January 1 through December 31. The Ways & Means Committee has reviewed, discussed and approved the budget.

Motion was made by Alderwoman Krewson, second by Alderman Robertson to approve and adopt Bill No. 5579. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor Pro Tem thereupon declared Bill No. 5579 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4262.

Bill No. 5580 – Amending Chapter 13

City Attorney Albrecht gave Bill No. 5580, AN ORDINANCE AMENDING CHAPTER 13, ARTICLE XII OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTION 13-251 (a) (6), AND ENACTING IN LIEU THEREOF A NEW SECTION 13-251 (a) (6),

ADDING A NEW PARAGRAPH (7) TO SECTION 13-251, AS IT RELATES TO DEFINITIONS, AND ADDING A NEW PARAGRAPH (e) TO SECTION 13-254, AS IT RELATES TO PLACES WHERE SMOKING IS NOT REGULATED; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; AND, PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Leahy stated that Bill No. 5580 is a mere image of the Bill that was passed by Creve Coeur accomplishing the same task of exempting the American Legion Post in Creve Coeur. The intent is paragraph 7. Under the definition of the private club, the condition is that this is not to affect commercial entities but only not-for-profit organizations in the city. They have to be already chartered with the State of Missouri and American Legion Post is. He has reviewed the by-laws of the Goff Moll Post 101, dated March 2003 to make sure that they comply with what the City is asking. He would appreciate the Board extending a courtesy to American Legion Post for not only their community participation, but also the City's need for the Goff Moll Post in different activities that the City does all year long. He thinks that it would be a benefit. Currently in the Goff Moll Post, the only place you are allowed to smoke is downstairs in the receiving bar. The meeting rooms and the upstairs meeting rooms are non-smoking. All of this is establishing that this happens prior to January 1. There is no change in any of their by-laws to make this organization comply with the revised amendment to the ordinance. They currently meet what they are asking to change.

Alderman Wynn stated that the American Legion Post is before them and they are not asking for any money, or to build anything and they do not want anything from them. All they want is to have a place where the veterans can go and have a smoke. He did not know what that meant until his son went to war. In Iraq, his son found out a lot about life. When he came back home, he felt a lot different. There are times when issues come up that are not just black-and-white and they have to go with their hearts. There is a sign in the council chambers that reads "City of Warmth". He does not know of a group that they could show more warmth and appreciation to than to allow them to smoke in their facility. He does not smoke or drink, but he respects what they have done. That is more important to him than all the rules and regulations. He supports what they are trying to do.

Alderman Harper asked for clarification if the new paragraph is "7".

Alderman Leahy stated that paragraphs 6, 7 and Sec. 13-254 (e) is being added to the ordinance that was passed.

Alderman Harper stated that he agrees with everything that Alderman Wynn is saying. Paragraph 7 is where he is stuck, the part that talks about a "private club". The part that was not addressed is "...and restricts admission to members of the club and their guests". Currently, it is open to anyone, which is where he is stuck. If this ordinance passes, it would not be a private club because it would still be open to the public. He is a veteran also and God bless all the veterans in America. There is not anything they could do to repay them. He does not know that if they pass the ordinance if it would be fair to the other businesses in Brentwood.

Mayor Pro Tem Clements pointed out that Mr. Hofherr stated that as of January 1, they would be closed to the public and the smoking ban would not take effect until January 1. What they are saying is that they would then come under the definition of a private club, that they would not allow the public in. When she goes to the American Legion Post for an event, the smoking may only be in the bar, but that whole building is permeated with smoke. It is very uncomfortable for her, as a non-smoker. She does not know if that could ever be stopped or handled. She agrees with Alderman Wynn. We own our veterans a lot. The Board is not saying that they cannot smoke. They can smoke at home, outside, etc. She feels that when there are other people involved that's going into the facility, and there are many people that go to the Post that have expressed to her their desire to see it non-smoking, they should be considered.

Alderwoman Krewson suggested putting Bill No. 5580 on hold to review their by-laws in committee.

Motion was made by Alderwoman Krewson, second by Alderman Harper to place Bill No. 5580 on hold.

City Administrator Seemayer stated that a BOA meeting would be held on January 3.

Alderwoman Krewson stated that she would like to see something in writing.

Alderman Leahy stated that he did not bring a copy of the by-laws this evening. The suggestion to delay Bill No. 5580 until the January 3 meeting does not seem to hurt them. At worst, you are talking two or three days that the Post would have to be smoke free, so the Board could finalize the action. It would be beneficial if it would help to gather support to accomplish the task.

Alderman Leahy stated that he would provide the Board with the American Legion by-laws.

Alderman Wynn stated that if the American Legion plans to change any rules, they would like to see the proposed changes.

City Administrator Seemayer stated that if the American Legion Post were going to operate as a private club they would need to change their liquor license to that of a private club. It is addressed in the Brentwood Code. They can do that and put it on order.

Roll call to place Bill No. 5580 on hold and send it to the Public Safety Committee for review: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Alderman Leahy asked if liquor licenses have to be renewed every year.

City Administrator Seemayer stated that they could have it in place for the January 3 meeting if the Board chooses to adopt Bill No. 5580. The American Legion Post could apply now and have the paperwork in place, so on the meeting of January 3 if the Board passes the Bill, at that same meeting they could also change their liquor license status.

Alderman Leahy stated that definitions within their by-laws establish that admission is limited to their membership and their guests, and access to the facility is based on membership.

Alderman Kramer suggested that Alderman Leahy provide the information to City Attorney Albrecht, so that he can give an opinion.

Alderman Leahy stated that City Attorney Albrecht reviewed the information before it came to the Board.

City Attorney Albrecht responded that he reviewed the ordinance. He did not review the by-laws.

Alderman Kramer read a synopsis of Bill No. 5580 as a Bill that amends Ordinance #4243, which prohibits smoking in designated locations. The amendment changes the definition for “places of employment”, adds a definition for “private clubs” and adds a Section to locations where smoking is not regulated. If approved, this Ordinance would become effective on January 1, 2011.

Bill No. 5581 – Election of Officers Generally

City Attorney Albrecht gave Bill No. 5581, AN ORDINANCE AMENDING CHAPTER 8 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTION 8-2 IN ITS ENTIRETY AND ENACTING IN LIEU THEREOF A NEW SECTION 8-2, AS IT RELATES TO ELECTION OF OFFICERS GENERALLY; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; AND, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5581 as a Bill that amends Section 8-2 of the Brentwood Municipal Code by changing the term for the election of officers to correspond to the four-year terms recently approved by voters and Board action.

Alderman Leahy stated that Bill No. 5581 also addresses the municipal judge’s term.

Motion was made by Alderman Kramer, second by Alderman Harper to approve and adopt Bill No. 5581. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor Pro Tem thereupon declared Bill No. 5581 duly passed and signed same into

approval thereof. Said Bill was given Ordinance No. 4263.

Bill No. 5582 – Home Occupations

City Attorney Albrecht gave Bill No. 5582, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING THE DEFINITION OF SPECIAL USE IN SECTION 25-2; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Leahy stated that Bills No. 5582 and 5583 have typos on page two. In parenthesis, it states that the text that is being added is shown in bold-faced type. That is incorrect. The text that is being added is underlined. He requested that wording be corrected. He stated that the definition for daycare centers is not being changed but he is not sure of the definition for daycare centers or how many children constitute a daycare center?

Director of Planning and Development Rottjakob stated that she believes it is no more than five children. It is regulated by the state. She would have to check the zoning code to verify it.

Alderman Kramer read a synopsis of Bill No. 5282 as a Bill that amends Chapter 25 of the Zoning Code as it relates to home occupations. The amendments create an application for a home occupation, regulates hours of operation and prohibit massage therapy as a home occupation. These amendments were reviewed and approved by the Planning & Zoning Commission.

Motion was made by Alderman Leahy, second by Alderman Robertson to approve and adopt Bill No. 5582. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor Pro Tem thereupon declared Bill No. 5582 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4264.

Bill No. 5583 – Special Use

City Attorney Albrecht gave Bill No. 5583, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING THE DEFINITION OF SPECIAL USE IN SECTION 25-2; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Leahy stated that the main purpose of the bill is to eliminate the three-day limit on special uses and allow staff to review and approve the special uses versus sending them to the Board of Aldermen. How often, in the past year, have they received special use requests exceeding the three-day permit?

Mrs. Rottjakob responded two or three times.

Alderman Leahy stated that what comes to mind from looking at the bill, for example, are Home Depot's tent sales and Ace Hardware plant sales. Would those qualify under special uses?

Mrs. Rottjakob stated that those are existing uses in their conditional use permits. If they were going to do something over and above what were approved, then they would request a special use permit.

Alderman Kramer read a synopsis of Bill No. 5583 as a Bill that amends Chapter 25 of the Zoning Code as it relates to Special Use Permits. The amendment allows special use permits to be handled administratively. Staff members still have the option to send a request for a Special Use Permit to the Board of Aldermen for consideration. The Planning & Zoning Commission reviewed the proposed special use permit amendment and is recommending its approval.

Alderman Leahy asked if all three staff members that review the application would have to approve it.

Mrs. Rottjakob responded that the current practice is that all three staff members review and sign off on the special use permits. If there were a disagreement among the staff in review, that would be one instance where they would bring it to the Board of Aldermen for further consideration.

Alderman Kramer stated that he is concerned about the special uses as it relates to the situations such as the ones that happened with the food cart and Walgreens. He knows that Brentwood tries to be the City of Warmth and extend every opportunity to the businesses and residents to succeed and do well. However, as an elected official who is duly sworn in by his constituents, he does not mind taking the extra few minutes for them to review the applications when they come to them. He thinks they have been able to do that effectively and have improved on a few things going forward. Saying nothing at all about the excellent quality that the City has in the staff already, he wants to express his concern that he does not see anything wrong with the way they are currently doing it.

Mayor Pro Tem Clements stated that she would trust the staff to make the decision. If it were going to be something that would be a little bit controversial, they would automatically bring it to them.

Motion was made by Alderman Wynn, second by Alderman Leahy to approve and adopt Bill No. 5583. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, no.

The Mayor Pro Tem thereupon declared Bill No. 5583 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4265.

Bill No. 5584 – Conditional Use Permit/1201 Strassner Drive

City Attorney Albrecht gave Bill No. 5584, AN ORDINANCE AMENDING ORDINANCE NO. 4170, AS AMENDED BY ORDINANCE NO. 3954, AS AMENDED BY ORDINANCE NO. 4018, AS AMENDED BY ORDINANCE NO. 4026, GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A RESTAURANT WITH OUTDOOR SEATING AT PROPERTY NUMBERED 1201 STRASSNER DRIVE WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25 OF THE BRENTWOOD CITY CODE THE DEVELOPMENT OF THAT SITE; PROVIDING THE CONDITIONS TO SUCH DEVELOPMENT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5584 as a Bill that would approve a Site Plan for a Taste of Hanley Station, a restaurant, to operate at 1201 Strassner Road. This is the former site of Intaglia Furniture. The Planning & Zoning Commission has reviewed and approved the Site Plan.

Motion was made by Alderman Robertson, second by Alderman Harper to approve and adopt Bill No. 5584. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor Pro Tem thereupon declared Bill No. 5584 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4266.

Mayor Pro Tem Clements asked Mr. Friedrichs when he expects the restaurant to open.

Mr. Friedrichs stated that they hope to have a soft opening around March 7.

Resolution No. 973 – Endorsing St. Louis County's Grant Program

Alderman Kramer read a synopsis of Resolution No. 973 as a Resolution that endorses St. Louis County's recycling program and allows the City to acquire four hundred 64-gallon recycle carts through a grant with St. Louis County. The total grant amount is \$14,080, which covers 100% of the cost to purchase the containers.

Motion was made by Alderman Leahy, second by Alderman Wynn to approve Resolution No. 973. All in favor none opposed.

Mayor Pro Tem Clements stated that she hopes the recycling containers are distributed very soon because she understands that they can be very proud that their recycling has gone way up and the trash has gone down. She hopes the public continues on that course.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Kramer, second by Alderwoman Krewson to approve the warrant list dated 12/6/10.

Alderman Robertson asked about the expenditure for the electric truck.

City Administrator Seemayer stated that the truck was budgeted. It is similar in price to the vehicle that they would have purchased, although its capacity is not that of the type of truck that they would have purchased in the past. It is completely electric and will be out on the streets in another week or so. It will be used by the City's horticulturist going from building to building and park to park.

Alderman Leahy asked if the electric truck requires any special hooking up or conversion to repower it.

Alderman Kramer asked about the emergency notification system.

City Administrator Seemayer stated that the amount of people that signed up was very high. A number of people were automatically enrolled, but there were quite a few people that signed up after they put information out on it.

Alderman Kramer asked if there is a periodic schedule of testing.

City Administrator Seemayer stated that they do not have a periodic schedule. Since it is nearing year-end, the minutes will not roll over, so they will have to use them or lose them. With the holiday trash schedule coming up, they will use it for that. They will not be picking up any trash on Friday because it is Christmas Eve or on Saturday Christmas Day and likewise for New Year's Eve and New Year's Day. Those who receive Friday trash service, it will be picked up on Thursday. The system is used on occasion. They are afforded a certain amount of minutes for testing that does not count against the City.

All in favor of approval of the warrant list, none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Pro Tem Clements reminded everyone that the City's holiday party would be held on Monday, December 13 from 5:00 to 7:00 pm.

Mayor Pro Tem Clements requested that the December 20 BOA meeting be cancelled. They have no business to be conducted.

Motion was made by Alderwoman Krewson, second by Alderman Kramer to cancel the December 20 BOA meeting. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Public Safety Committee – No report

Public Works Committee – No report

Director of Planning and Development – No report

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator – No report

Excise Commissioner – No report

Library – No report

Communication – No report

Historical Society – No report

UNFINISHED BUSINESS

Alderman Wynn stated that the wife of Coach Titus, a coach for years in Brentwood, passed away last week.

NEW BUSINESS

Alderman Leahy stated that the Scouting for Food program took place on November 20 and the Boy Scouts of the Greater St. Louis Council collected \$2.1 million cans. They are very grateful to the citizens of Brentwood for donating and they are very grateful that the Brentwood Fire Department allowed them to have the full facility/station.

The Ward 3 meeting will be held on Tuesday, December 28 at 7:00 pm.

Alderman Kramer stated that some folks have noticed that their property tax bills have recently increased. The City works hard to try to keep the tax rates down. It is something that is given a lot of attention. After they are done, there is another entity in Brentwood that has an opportunity to increase or decrease those tax rates and that would be the Brentwood School

Board. He believes the City is in the process of requesting that the School Board give them a synopsis of the increase on what it will be used for, how it came about and so forth.

City Administrator Seemayer stated that he believes it will be in the form of a letter.

Mayor Pro Tem Clements stated for information purposes, that the Brentwood School District took out a full-page ad in the November Pulse that explained the reason for the tax increase.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Robertson to adjourn the meeting at 8:25 pm. All in favor none opposed.

Barbara Clements, Mayor Pro Tem

Attest:

Chris Seemayer, City Clerk